

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte WILLIAM R. MURRAY, Jr., STEWART R. CARL,  
and ARTHUR H. ZARNOWITZ

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Appeal No. 2000-0121  
Application No. 08/773,665

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ON BRIEF

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Before STONER, Chief Administrative Patent Judge, COHEN, and STAAB,  
Administrative Patent Judges.  
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 56 through 58. These claims constitute all of the claims remaining

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exemplary claim 56, a copy of which appears in the APPENDIX to the main brief (Paper No. 17).

As evidence of obviousness, the examiner has applied the documents listed below:

Jacobi	2,677,261	May 4, 1954
Osgood, Sr.	4,466,259	Aug. 21, 1984

The following rejections are before us for review.

Claim 56 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Jacobi (Figs. 4 and 5).

Claim 57 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi.

Claim 58 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi in view of Osgood, Sr.

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No. 18), while the complete statement of appellants' argument can be found in the main and reply briefs (Paper Nos. 17 and 19).

#### OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied teachings,<sup>1</sup> and the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the determinations which follow.

We do not sustain the respective rejections of appellants' claims since the applied evidence neither anticipates nor renders obvious the claimed subject matter. Our detailed reasoning appears below.

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<sup>1</sup> In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it

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Each of independent claims 56 and 58 sets forth a locking system comprising, inter alia, a portable electronic device having an external wall provided with a specially designed generally rectangular slot, a housing including a slot engagement member, with the slot engagement member being rotatable between an unlocked position and a locked position, and a pin adapted to interlock the housing<sup>2</sup> and extend into the slot.

We next address the Jacobi reference relied upon by the examiner in support of the anticipation rejection of claim 56.

The patent to Jacobi discloses a lock device for locking a pivoted door handle of a refrigerator door (Figs. 1, 4, and 5). As expressly set forth by the patentee (column 3, lines 11 through 23), the stem 23 is semi-circular in cross-section and tilted to permit insertion and withdrawal from round holes 21 and 22. The stem 23 is secured against such tilting by

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longitudinally movable and semi-circular member 25 which complements the stem 23 and fills the round holes 21 and 22.

As to the anticipation rejection of independent claim 56, it is quite clear to us that the now claimed "generally rectangular slot" in the external wall of a portable electronic device is not anticipated by round holes in the refrigerator of Jacobi. Thus, the rejection of claim 56 under 35 U.S.C. § 102(b) cannot be sustained.

Turning now to the obviousness rejection of claim 57, which claim sets forth particular dimensions of the generally rectangular slot,<sup>3</sup> this panel of the board discerns no suggestion that would have been derived by one having ordinary skill in the art from the Jacobi teaching for configuring the expressly disclosed round holes 21, 22 with a rectangular shape. Accordingly, this rejection of claim 57 under 35 U.S.C. § 103(a) cannot be sustained.

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With respect to the obviousness rejection of independent claim 58 based upon the combined teachings of Jacobi and Osgood, Sr., we readily perceive that the addition of the Osgood, Sr. disclosure of a locking device for an automobile gas tank cap does not overcome the fundamental deficiency of the Jacobi disclosure. Simply stated, the Jacobi document would not have been suggestive of the claimed "generally rectangular slot" in the external wall of a portable electronic device, as explained above relative to the respective rejections of claims 56 and 57. Therefore, the obviousness rejection of claim 58 cannot be sustained.

REMAND TO THE EXAMINER

We remand this application to the examiner to consider the following informalities which are deserving of correction (35 U.S.C. § 112, second paragraph).

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In claim 57, line 1, the recitation of the "locking apparatus of claim 1" inappropriately references a canceled claim as well as a locking apparatus (rather than a locking system as addressed by independent claim 56 on appeal).

In summary, this panel of the board has:

not sustained the rejection of claim 56 under 35 U.S.C.  
§ 102(b) as being anticipated by Jacobi;

not sustained the rejection of claim 57 under 35 U.S.C.  
§ 103(a) as being unpatentable over Jacobi; and

not sustained the rejection of claim 58 under 35 U.S.C.  
§ 103(a) as being unpatentable over Jacobi in view of Osgood, Sr.

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The decision of the examiner is reversed.

REVERSED AND REMANDED

BRUCE H. STONER, Jr., Chief	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
IRWIN CHARLES COHEN	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS
	)	AND
	)	INTERFERENCES
	)	
	)	
LAWRENCE J. STAAB	)	
Administrative Patent Judge	)	

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